United States Senate

WASHINGTON, D.C. 20510

June 14, 2010

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The Honorable Julius Genachowski Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Genachowski:

As you know, this past May marked the 25th anniversary of the Federal Communications Commission's adoption of rules related to the use of spread spectrum modulation on an unlicensed basis. While that might not mean much to most people, what resulted from the Commission's action does. Those rules were instrumental in spurring the development of such technologies as Wi-Fi, Bluetooth, and several other devices we use on a daily basis. Worldwide Wi-Fi shipments alone are expected to surpass 770 million devices by the end of this year.

The FCC is poised to take similar action that will once again unleash wireless innovation. The Commission has already taken the first step but we encourage you to move expeditiously to conclude the TV white spaces proceeding—as recommended in the National Broadband Plan. Almost two years have passed since the Commission issued a final order in its white spaces proceeding and it has been six years since the FCC began the proceeding in May of 2004. Completing all outstanding white space issues quickly and properly will ensure the promise and potential that has been demonstrated in the past becomes fully realized so consumers and the marketplace can once again benefit.

The heart of your broadband plan focuses on releasing the full potential of the nation's spectrum as a platform for innovation and relatively low cost broadband deployment when compared with wired solutions. Toward that end, the agency must pursue a harmonized spectrum strategy of both licensed and unlicensed spectrum deployment efforts that will allow manufacturers and consumers to construct multiple paths to the Internet and utilize new devices for communications. Completion of the "white spaces" proceeding can help build momentum in that direction.

As you know, spectrum below 1 Gigahertz is both scarce and valuable. Today, the TV white spaces remain a viable option for unlicensed use below 1 GHz and jump-starting a period of innovation that could equal or surpass what we have seen with Wi-Fi. Due to the propagation characteristics of the frequencies, unlicensed broadband devices will be able to cover a far wider service area in rural areas than the range in which unlicensed devices operate today thus providing an opportunity to narrow the "digital divide" that unfortunately continues to exist.

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White space spectrum will also provide greater capacity to offload consumer data traffic in congested cell sites through the use of technologies such as Femtocells." A recent Cisco Visual Network Index report indicated approximately 60 percent of mobile data use is done inside and at least 23 percent of smartphone traffic could be offloaded onto fixed wireline networks by 2014.

The FCC has many difficult issues before it and must ensure that new white spaces technologies can emerge while protecting licensed users. Wireless microphones pose some challenges. These microphones are used for performing arts, places of worship, and schools and provide a valuable audio tool to users and their audiences. However, a number of these microphones have operated illegally on TV spectrum and such unauthorized behavior should not continue to be allowed—the FCC must better enforce the rules it implements.

In the evaluation of proposals regarding the operation of wireless microphones, these devices may be best suited to be authorized under Part 15 just like nearly all unlicensed telecommunications devices. Given the numerous spectrum-based services and cohabitation that exist today, we urge you to strike the right balance between allowing these and other valuable devices to operate while ensuring there is adequate spectrum available to facilitate national markets for white spaces devices or services. Missing this equilibrium would limit the potential for this technology to contribute to our fundamental goal of nationwide broadband at competitive and affordable rates.

It should be noted that geolocation technology coupled with a database should adequately protect users and additional spectrum sensing capabilities should only be required when absolutely necessary since such requirement would unduly drive up the cost of white space devices and deter low cost deployment opportunities.

We request that you prioritize action on white spaces and urge the FCC to adhere to its Broadband Action Agenda and complete final rules in the third quarter of 2010.

Sincerely,

John F. Kerry

Cc:

Commissioner Michael J. Copps

Commissioner Meredith Attwell Baker

Commissioner Mignon Clyburn

Commissioner Robert M. McDowell



FEDERAL COMMUNICATIONS COMMISSION WASHINGTON

August 6, 2010

The Honorable John F. Kerry
Chairman
Subcommittee on Communications, Technology,
and the Internet
Committee on Commerce, Science and Transportation
United States Senate
218 Russell Senate Office Building
Washington D.C. 20510

Dear Chairman Kerry:

Thank you for your letter concerning the importance of prioritizing action in the Commission's TV white spaces proceeding. I certainly agree that TV white spaces represent an important opportunity to inspire a new wave of wireless innovation and have the potential to increase consumer access to information resources. I remain committed to the completion of this proceeding in the near term.

Your letter also raised important concerns about the relationship between licensed and unlicensed users, and the Commission will thoroughly review these matters before adopting any final orders. As you note, the resolution of the wireless microphone situation is one of the more difficult issues related to the white spaces proceeding. In January, the Commission granted wireless microphone users waiver authority to operate under Part 15, while prohibiting them from using the 700 MHz band in order to protect public safety licensees. This decision was an important step toward finalizing a regulatory framework that will enhance the benefits of white space use.

I always appreciate your leadership and insight on telecommunications policies, and I look forward to working with you and other members of the Senate as we move ahead with the implementation of the National Broadband Plan.

Sincerely,

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION WASHINGTON

August 6, 2010

The Honorable Olympia J. Snowe United States Senate 154 Russell Senate Office Building Washington D.C. 20510

Dear Senator Snowe:

Thank you for your letter concerning the importance of prioritizing action in the Commission's TV white spaces proceeding. I certainly agree that TV white spaces represent an important opportunity to inspire a new wave of wireless innovation and have the potential to increase consumer access to information resources. I remain committed to the completion of this proceeding in the near term.

Your letter also raised important concerns about the relationship between licensed and unlicensed users, and the Commission will thoroughly review these matters before adopting any final orders. As you note, the resolution of the wireless microphone situation is one of the more difficult issues related to the white spaces proceeding. In January, the Commission granted wireless microphone users waiver authority to operate under Part 15, while prohibiting them from using the 700 MHz band in order to protect public safety licensees. This decision was an important step toward finalizing a regulatory framework that will enhance the benefits of white space use.

I always appreciate your leadership and insight on telecommunications policies, and I look forward to working with you and other members of the Senate as we move ahead with the implementation of the National Broadband Plan.

Sincerely,

Julius Genachowski